IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT APPEAL NO : 1865 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/02/2004 in WP NO: 8584 OF 1993 on the file of the High Court.)

Between:

The Superintending Engineer, now up graded as Chief Engineer,
Ramangundam Thermal Station, Ramagundam, Karimnagar District.

**..... APPELLANT**

AND

1 G. Suryanarayana, S/o. Veeraiah,
R/o. D.No. 1/614, T.B.P. Colony, Yemmigannur, Kurnool District.
2 Rajalingam, S/o. not known,
Ramagundam Thermal Station, Ramagundam.

**.....RESPONDENTS**

**Counsel for the Appellant: SMT.K.SESHARAJYAM**

**Counsel for the Respondents: MR.M.PANDURANGA RAO**

**The Court made the following :**

**ORAL ORDER:** *( per Hon'ble Smt. Justice T. Meena Kumari)*

This writ appeal is filed against the order of a learned single Judge of this Court in W.P. No.8584 of 1993, dated 23-02-2004.

At request of the learned counsel for both the parties, this writ appeal is disposed of finally. For the sake of convenience, the parties will be referred to as they were arrayed in the writ petition.

Writ Petitioner filed the writ petition for a direction to the first respondent not to revise the integrated seniority list circulated in Memo No. SE//RDM/Estt/D. No. 609/79, dated 25.4.1979 and also to declare the memo No. SER/Estt/U.D.No. 524/93, dt: 28.6.1993 issued by the first respondent as illegal and arbitrary. The Writ petitioner asserts that in the seniority list dated 25.4.1979of Upper Division Clerks maintained by the first respondent, his name was shown at Serial No. 19, whereas the name of the 2nd respondent at Serial. No. 21. In view of this, the 2nd respondent being the junior most, ought not to have been considered for promotion to the post of Junior Accounts Officer in place of the petitioner, who was promoted subject to the result of the Writ Petition No. 17440 of 1989 filed by the 2nd respondent.

The learned single judge of this Court, in his order, having observed that since the order dated 12.4.1993 in Writ Petition No. 17440 of 1989 has attained its finality, directed the first respondent to consider the case of the writ petitioner for being promoted to the post of Junior Accounts Officer on par with the second respondent notionally and extend all other benefits, as per law. Aggrieved by the said order, the first respondent therein preferred this appeal.

However, it has been contended by the learned counsel for the appellant-first respondent before this Court that the promotion of the petitioner to the post of Junior Accounts Officer was subject to the result of the Writ Petition No. 17440 of 1989. However, for the reasons best known to him, though the order in writ petition No. 17440 of 1989 had attained its finality, wherein this Court held thus

:

"In the circumstances, on the touchstone of Article 14 of the Constitution of India, the petitioner shall be entitled to his seniority without any break in the cadre of Upper Division Clerk in Ramagundam Thermal Station on the analogy of Mr. P. Ramagopal".,

the writ petitioner in the instant case has not chosen to question the said order.

Learned counsel further argued that the learned single Judge was in error in directing the first respondent to consider the case of the writ petitioner to the post of Junior Accounts Officer on par with the second respondent notionally and extend all other benefits.

In the facts and circumstances of the case and in view of the finality of the order passed in W.P. No. 17440 of 1989 filed by the second respondent herein, and in view of the observation of the learned single Judge that the order passed in W.P. No. 17440 of 1989 has effected the benefits of the petitioner, we deem it appropriate to modify the said order to the extent as indicated below:

> *"Respondent is directed to consider the case of the writ petitioner in accordance with the existing rules, within a period of three months from the date of receipt of a copy of this order."*

With the above modification, the writ appeal is disposed of. No costs.

*T. MEENA KUMARI, J*

*S. ANANDA REDDY, J*

06-12-2004

**dvs/kvsn**

**To**

1. The Superintending Engineer, now up graded as Chief Engineer,
Ramagundam Thermal Station, Ramagundam, Karimnagar District.

2.Two C. D COPIES.